

REMARKS

This Amendment is responsive to the final Office Action mailed on May 30, 2007 and the Advisory Action dated October 29, 2007. The Advisory Action refused entry of Applicants' Amendment filed on October 1, 2007 (mailed September 28, 2007). The present Amendment resubmits the amendments and arguments presented in the Amendment filed on October 1, 2007, with minor additional amendments to claims 1 and 33.

As a preliminary matter, Applicants would like to thank the Examiner for the courteous and productive telephone interview held on September 7, 2007, as well as the telephone discussion concerning the Advisory Action on November 1, 2007, the details of which are set forth below.

Claims 1, 8, 13, 14, 19-22, 33, and 34 are amended. Claim 12 is cancelled. Claims 37-54 are new. Claims 1-11 and 13-54 are pending.

Claims 1-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawton (DE 3219260).

Applicants respectfully traverse these rejections in view of the amended claims and the following comments.

Discussion of September 7, 2007 Telephone Interview

On September 7, 2007 Applicants' undersigned counsel conducted a telephone interview with the Examiner in which the rejections of the claims based on the Lawton reference were discussed in detail. The Examiner's Interview Summary mailed on September 18, 2007 indicates that the rejections in view of Lawton were discussed, together with photographs provided by Applicants' counsel showing the differences between Applicants' claimed invention and that of Lawton. Applicants agree with the contents of the Interview Summary.

In addition, Applicants' counsel and the Examiner discussed several possible claim amendments that would potentially overcome the Lawton reference. In particular, Applicants' undersigned counsel and the Examiner discussed the amendments to claims 1 and 33 presented

herein, namely amending claim 1 to include the subject matter of claim 8 such that claim 1 now specifies that the metal foil is adhesively bonded to the inner surface of the branch and amending claim 33, which specifies that the branches consist of a plastic material, into independent form. The Examiner acknowledged that Lawton did not disclose a metal foil adhesively bonded to the inner surface a branch of the scissors or that the branches were of a plastic material.

The Examiner indicated that a Request for Continued Examination would not be required for such amendments and acknowledged that he did not specifically address dependent claims 8 and 33 in the Office Action, such that further review would be required before agreeing to an allowance such amended claims.

However, a Request for Continued Examination is filed herewith so that the Examiner can consider the newly added dependent claims, as discussed with the Examiner during a telephone conference on November 1, 2007 concerning the Advisory Action refusing to enter Applicants' October 1, 2007 Amendment.

Discussion of Amended Claims

Claim 1 is amended to include the subject matter of claim 8. Claim 1 is also amended to specify that a separate adhesive material is used to adhesively bond the metal foil to the branch.

Claim 8 is amended to depend on claim 33.

Claims 13, 14 and 22 are amended to depend from claim 33.

Claim 12 is cancelled.

Claims 19-21 are amended to depend from claim 13 to provide proper antecedent basis for "the projections."

Claim 33 is amended into independent form by the addition of the subject matter of claim 1.

Claim 34 is amended to depend from claim 33 to provide proper antecedent basis for "the plastic material."

Claims 37-54 are new. Claims 37-42 correspond to claims 2-7, claims 43-52 correspond to claims 23-32, and claims 52 and 54 correspond to claims 35 and 36.

Discussion of Lawton

As discussed with the Examiner during the September 7, 2007 telephone interview and the subsequent November 1, 2007 telephone conference, Lawton does not disclose or remotely suggest surgical scissors having a metal foil adhesively bonded to the inner surface of a cutting branch using a separate adhesive material, as set forth in amended claim 1. In contrast, in Lawton the cutting edge is formed from molten metal applied in the form of a welding bead and later ground down to form a cutting edge. This molten metal fuses with the metal of the scissors body and becomes integral therewith. There is no disclosure or suggestion in Lawton of using an adhesive to bond a metal foil to a scissors branch. The Examiner acknowledged this fact during the telephone interview.

In addition, Lawton does not disclose the use of a metal foil with plastic scissors branches, as claimed by Applicants in amended claim 33. In Lawton, the branches of the scissors are disclosed as being made of metal. In fact, a plastic material could not be used with the design of Lawton, since if the branches were made of plastic the application of the molten welding bead would result in melting of a plastic material. During the telephone interview the Examiner acknowledged that Lawton did not disclose surgical scissors having branches made from a plastic material.

Applicants respectfully submit that the present invention as set forth in amended claims 1 and 33 is not anticipated by and would not have been obvious to one skilled in the art in view of Lawton, taken alone or in combination with any of the other prior art of record.

It is noted that on page 2 of the Office Action the Examiner states: "*The above well-known in the art statement is taken as admitted prior art because applicant failed to traverse the Examiner's assertion.*" Applicants respectfully disagree. At page 10 of the Amendment filed on March 22, 2007 (mailed March 19, 2007) Applicants stated: "*Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.*" Thus, Applicants merely chose not to comment on certain of the Examiner's statements in the prior Office Action, as Applicants deemed such further comments unnecessary in view of the

arguments already presented therein. Accordingly, Applicants reserve the right to rebut the Examiner's statements in an Appeal or in reply to any further Office Actions.

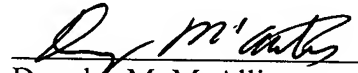
Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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